



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 19 2010

REPLY TO THE ATTENTION OF:

WN-16J

CERTIFIED MAIL 7001 0320 0005 8914 7715
RETURN RECEIPT REQUESTED

Exemption (b)(6)

15857 Bear Mountain Boulevard
Bakersfield, California 93311
d/b/a Traditions South Dairy
Nora, Illinois 61059

Subject: Traditions South Dairy
Supplemental Information Request Pursuant to Section 308 of the Clean Water Act
Docket No. V-W-10-308-16

Dear Mr. Bos:

In April 2009, the U.S. Environmental Protection Agency, Region 5 issued a Request for Information in the Matter of **Exemption (b)(6)**, 15857 Bear Mountain Boulevard, Bakersfield, California, 93311, d/b/a Traditions South Dairy, Nora, Illinois 61059, under Section 308 of the Clean Water Act (CWA), 33 U.S.C. §1318 (Docket No. V-W-09-308). The Section 308 Information Request included 22 requests for information on specific issues related to the question of whether the Traditions South facility discharges or proposes to discharge to waters of the United States. On August 10, 2009, Traditions South submitted to EPA a response to the Information Request. This Request is for information that was either not provided in response to the April 2009 Section 308 Request, or where further information is needed to evaluate the information previously provided. The requested information is needed to adequately evaluate whether Traditions South proposes to discharge pollutants to waters of the EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purpose of the Act. Accordingly, pursuant to Section 308 of the Act, you are directed to provide EPA with the information requested in the enclosure.

Pursuant to Section 308(b) of the CWA, you may assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 CFR § 2.203(b). Under 40 CFR § 122.7, the entitlement does not apply to information in permit application forms, and claims of confidentiality for the following will be denied: name and address of any permit applicant or permittee, permit applications, permits, and effluent data. Information covered by such a claim will be disclosed by EPA only to the extent and by means

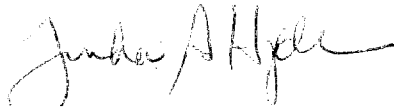
of the procedures set forth in Subpart B, 40 CFR Part 2. If no claim of confidentiality accompanies the information requested herein when it is received, EPA may make the information available to the public without further notice to you. This inquiry is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA. Please respond in writing with the information requested in the enclosure, within sixty (60) days of receipt of this letter with copies to:

Director, Water Division
Attn: Matt Gluckman
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd. (WN-16J)
Chicago, IL 60604

Thank you for your cooperation in this matter. Should you have any questions, please contact Matt Gluckman of my staff at (312) 886-6089.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tinka G. Hyde", with a stylized, flowing script.

Tinka G. Hyde
Director, Water Division

Enclosure

cc: Bruce Yurdin, IEPA
Charles Corley, IEPA Rockford Regional Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

SUPPLEMENTAL REQUEST FOR INFORMATION

IN THE MATTER OF:

Exemption (b)(6)

**15857 Bear Mountain Boulevard
Bakersfield, California 93311**

**d/b/a Traditions South Dairy
Nora, Illinois 61059**

DOCKET NO: V-W-10-308- 16

**Proceeding under Section 308 of
the Clean Water Act, 33 U.S.C.
§ 1318**

STATUTORY AUTHORITY

The following request for information is made pursuant to Section 308(a)(A) of the Clean Water Act, 33 U.S.C. §1318(a)(A), which authorizes the EPA Administrator to require the owner or operator of any point source to “(i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as she may reasonably require. The Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has duly redelegated this authority to the undersigned Director, Water Division, EPA, Region 5, who hereby issues this Request for Information. Traditions South Dairy must submit information responsive to the Request for Information, notwithstanding the possibility that some responsive information may be

characterized as confidential business information under 40 CFR Part 2. Should Traditions South so request, any information (other than public information) which the Administrator determines to be confidential business information will be maintained as confidential. However, under 40 CFR § 122.7, the confidential business information entitlement does not apply to information in permit applications, and claims of confidentiality will be denied for the following: the name and address of any permit applicant or permittee, permit applications, permits, and effluent data. A request for confidential treatment must be made when information is provided, since any information not so identified will not be accorded this protection by the Agency.

EPA has the authority to use the records and information provided in response to this Information Request in an administrative, civil, or criminal action. There are significant civil and criminal penalties for failing to respond to requests issued pursuant to Section 308(a) in a timely, complete, and accurate manner. This information request is exempt from the Paperwork Reduction Act.

INSTRUCTIONS

1. Please provide a separate response to each request and subpart of a request set forth in this Information Request. Precede each response with the number of the request and subpart of the request to which it corresponds.
2. Please identify each person consulted in the preparation of a response.
3. For each request, please identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the request, and provide a true and correct copy of each such document if not provided in response to another specific request.
4. Please indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the request and subpart of the request, as applicable, to which it corresponds.

5. If requested information or documents are not known or available to you at the time of the response to this Information Request, but later becomes known or available, you must supplement your response to EPA. Moreover, should you or anyone at Traditions South find, at any time after submission of your response, that any portion is or becomes false, incomplete, or misrepresents the facts, Traditions South must provide EPA with a corrected response as soon as possible.
6. If a request asks for a date or figure (e.g., date of service, dollar amount, volumetric capacity, etc.), you should provide a good faith estimate if you cannot provide the exact figure, and explain the basis for the estimate.
7. All submissions provided, pursuant to this section 308 request, shall be signed by a responsible corporate officer of Traditions South and/or his or her duly authorized representative as defined in 40 CFR § 122.22 and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

A. DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 502 of the CWA, 33 U.S.C. § 1362, or its implementing regulations found at 40 CFR Parts 122 or 412 respectively, in which case the statutory or regulatory definitions shall apply.

1. The term "**agreement**" shall mean any written document (e.g., contract, lease, memorandum of understanding, agreement in principle, letter, etc.) or verbal exchange manifesting mutual assent on the part of two or more persons. If you are asked to "identify and produce" (as defined below) the agreement, you must not only include the main text of the agreement, but also include all exhibits, attachments, and documents incorporated by reference, unless these items are published documents or are available on the internet.
2. The term "**agricultural storm water**" means a precipitation-related discharge of manure or process wastewater from land areas under the control of Traditions South, where the manure or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate

agricultural utilization of the nutrients in the manure or process wastewater, as specified in 40 CFR § 122.42(e)(1)(vi)-(ix).

3. The term “**animal confinement area**” includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables.
4. An “**animal feeding operation**” (AFO) is a lot or facility which meets the following conditions:
 - a. animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and
 - b. crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
5. The term “**correspondence**” shall mean any exchange of written communications, including (but not limited to) electronic mail (“e-mail”), facsimiles, or letters as well as any and all documents that were attached (or enclosed) with some communication.
6. The term “**discharge of a pollutant**” means any addition of any pollutant to navigable waters from any point source.
7. The terms “**document**” and “**documents**” shall mean any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
8. The term “**facility or facilities**” shall mean the land, buildings, production areas and land application areas, employees, property and equipment comprising each separate dairy farm operation located or to be located in JoDaviess County in or near Nora, Illinois, 61059.
9. The term “**identify**” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, and present or last known job, title, position, or business.
10. The term “**identify**” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business if known. When the legal entity has already been identified once in the response, the Respondent may identify by company name only and reference the response which contains the full information required by this definition.

11. The phrase “**identify and produce**” means to identify the document by means of a reference number, which you will assign to the document for the purpose of responding to this Information Request, and provide a true and accurate copy of the document along with your response to this information request. If a document is not presently in your possession, identify the document custodian, and give a detailed description of the document by listing, its customary business description, its approximate date, and its substance or subject matter. If responsive documents have been destroyed or otherwise disposed of, identify the following information with regard to each such document;
 - a. The date that the document was destroyed or disposed;
 - b. The person who destroyed or disposed of the document; and
 - c. The reason that the document was destroyed or disposed.
12. The term “**land application area**” means land under the control of an AFO owner or operator, whether it is owned, rented, leased, or subject to an access agreement between the owner/operator and another person, to which manure, litter, or process wastewater from the production area is or may be applied.
13. The term “**manure**” includes manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.
14. The term “**manure storage area**” includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles.
15. The term “**owner or operator**” means any person who owns, leases, operates, controls, or supervises the operations of a point source.
16. The term “**person**” means an individual, corporation, partnership, association, State or Federal agency, municipality, commission, political subdivision of a State, any interstate body, or an agent or employee thereof.
17. The term “**point source**” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
18. The term “**process wastewater**” means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water

which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

19. The term “**production area**” means the part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, the waste containment area, and any area used in the storage, handling, treatment or disposal of mortalities.
20. The term “**raw materials storage area**” includes but is not limited to feed silos, silage bunkers, and bedding materials.
21. For this Information Request “**Traditions South**” includes facilities located or to be located in JoDaviess County in or near Nora, Illinois, 61059.
22. For this Information Request “**Traditions South**” includes all natural persons and business entities such as; owners, officers, directors, agents, subsidiaries, parent companies, affiliates, employees, successors or additional assigns.
23. The term “**waste**” means manure, used bedding, waste feed, production area waste or any combination thereof.
24. The term “**waste containment area**” includes but is not limited to settling basins, and areas with berms and diversions which separate uncontaminated storm water.

B. INFORMATION REQUEST

Pursuant to section 308 of the Clean Water Act, 33 U.S.C. § 1318, please provide the following requested information for the Traditions South facility. The requests shall be deemed to seek information for the time period of **January 1, 2008 to the present**, unless a particular request specifies a different time period. Where specific data or reports are requested, please provide the requested material in electronic format wherever possible.

Manure and Wastewater Storage Capacity

1. Please provide the capacity (volume) and the expected volume of manure and process wastewater to be delivered to the following:
 - The two reception tanks associated with the manure transfer system
 - The reception tank associated with the solid/liquid separation facilities
 - The two lift stations, and
 - The digester.
2. Please clarify whether and how the runoff volume for the 25-year, 24-hour storm is accounted for in the animal waste management (AWM) model results for Holding Pond 3 (P17).

3. Please clarify the existence and function of the "Covered Stack Pad 2, P5." If used for storage of manure, verify that no runoff or leachate is expected from the area or specify how runoff and/or leachate will be managed.
4. Please clarify the amount of wastewater and manure that will be generated and the ultimate use or disposal for each. If the annual volume or mass planned for use or disposal is less than the anticipated volume or mass generated, explain the storage and management planned for the manure or wastewater not used or disposed of.

Soil Plant Air Water (SPAW) Pond Hydrology

5. Please provide an electronic version of the SPAW Annual Budget output report for the pond hydrology model scenarios provided in the August 2009 Response.
6. Please provide an electronic version of the SPAW Input Data File report for the pond hydrology model scenarios provided in the August 2009 Response. Describe how the pond depth-area inputs are used to accurately reflect the cumulative capacity of the three holding ponds.

Land Application

7. The planned frequency for emptying or dewatering of manure and process wastewater containment, storage and treatment structures is unclear based on a comparison of the information provided in Tradition South's August 2009 response, the NMP, and the Operation and Maintenance Plan. Please clarify the planned frequency for emptying or dewatering the holding ponds.
8. Please provide location data for each planned land application site (i.e. latitude and longitude for the corners of each field).
9. Please clarify the following with respect to any silage leachate that was applied by Traditions South:
 - Dates of application (including year)
 - Weather conditions and soil conditions (i.e., saturated, snow-covered or frozen) for the dates of land application
 - Field(s) used for land application
 - Crop(s) grown in the fields used for land application
 - Nutrient content of the material that was applied.

SPAW Field Hydrology

10. Please provide information on the physical characteristics entered for the modeled soil types (Osco, Muscatine, Sable) utilized in the August 2009 Response. For each soil layer provide depth; percent sand, clay, organic matter, gravel; bulk density; and hydrologic group.

11. Please clarify whether and how the three modeled soils utilized in the August 2009 response adequately represent the range of soil types that exist in the planned land application areas, particularly for those fields that are not dominated by one of the three modeled soils.
12. Please provide model results for planned crop rotations, or describe whether and how the modeled crops or rotations utilized in the August 2009 response are representative of the actual planned rotations.
13. Please provide model results for corn silage, or describe whether and how the modeled corn crop utilized in the August 2009 response is representative of rotations that include corn silage.
14. Please provide model results showing the expected runoff and infiltration for the maximum planned application rates for each field to be used for land application.

Hydrologic Connection

15. For at least one borehole location within the footprint of each of the two larger holding ponds (P16 and P17), please provide data on the thickness of the natural clay liner in the overburden, and whether the underlying bedrock is shale or fractured limestone.
16. For each of the Holding Ponds (P14, P16, P17), please provide Soil Water Characteristic Curves for the liner and native clay materials based on grain size, density, moisture content of the materials. Please also provide hydraulic conductivity (saturated and unsaturated) and porosity estimates for the liner and native clay materials.
17. Please clarify the operation and maintenance procedures that will be used to prevent leakage from all wastewater containment, storage, and treatment structures, including holding ponds, reception tanks, lift stations, and the digester.
18. Please identify any land application site to be used by Traditions South that is known to include karst topography. For each such site, please model the field hydrology to estimate deep drainage responses for actual soil types and planned crops and application rates for the site.

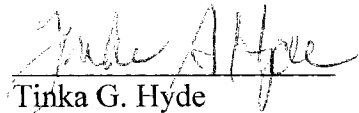
Traditions South shall deliver all submissions required by this Request within sixty (60) days to:

U.S. Environmental Protection Agency
Attention: Matt Gluckman
NPDES Programs Branch
Water Division, WN-16J
77 West Jackson Boulevard
Chicago, IL 60604

This information Request is not subject to the terms of the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520, because it is directed to fewer than 10 persons.

The written statements submitted pursuant to this Request shall be accompanied by a statement signed and certified in accordance with paragraph 7 beginning on page 3. The signatory must have his or her signature notarized. Should the signatory find at any time after submittal of the requested information, that any portion of such statement(s) certified as true is false or incorrect, the signatory shall so notify Region 5 (See attached "Authority and Confidentiality Provisions"). EPA has the authority to use the information requested in this Request for Information in an administrative, civil, or criminal action.

Neither the issuance of this Request for Information by EPA, nor compliance with this Request for Information by Traditions South shall be deemed to relieve Traditions South of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Section 309(b), (c), (d), and/or (g) of the CWA, as amended, for any violations of the terms and conditions of other applicable requirements of the CWA. EPA specifically reserves the right to seek any or all of the remedies specified in Section 309(b), (c), (d), and/or (g) of the CWA for any such violations.



Tinka G. Hyde

Director, Water Division

U.S. Environmental Protection Agency

Region 5

2-19-2010
Date

Attachments